

REMARKS

In light of the above amendments and remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claims 43-44, 47-50, and 54-60 are pending in this application. Claims 45-46, 51-53, and 61 are canceled.

Claims 43-46, 48-52 and 54-61 are rejected under 35 U.S.C. §102(b) as being anticipated by Stefik et al. (U.S. Patent 5,638,443). Claims 47 and 53 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stefik in view of Braitberg et al. (U.S. Patent 6,631,359)

The Examiner contends that "claims 49-52, 54-55, and 58-61 are parallel with claims 43-46, 48, and 56; thus they are rejected on the same basis." (Office Action page 4) However, Applicants respectfully assert that claims 55, 58, 60, and 61 are not parallel with any of claims 43-46, 48, and 56. Specifically, claims 56 and 59 recite "transmitting a reproduction history of the reproduced contents data." The reproduction history is disclosed (at para. 3, page 15 of the specification) as including the kinds of music listened to, the number of times the music was played, the playback time, etc... Stefik does not disclose any analogous reproduction history.

Moreover, the present claims now recite "wherein said electronic use right includes a header, a valid start date, an encryption type, listening rights data, an error correction code, and a software for decoding encryption." (Claims 43, 49, 57) This limitation corresponds to the data structure shown in Figures 10A and 10B. Applicants believe neither Stefik nor Braitberg discloses an analogous electronic use right data structure including "software for decoding encryption" as required in the present claims.

Accordingly, for at least these reasons, Stefik and/or Braitberg fail to anticipate or obviate the present invention and the rejected claims should now be allowed.

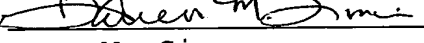
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095.

Dated: February 28, 2007

Respectfully submitted,

By 
Darren M. Simon
Registration No.: 47,946
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant